IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 30149 of 1997

Between:

Monepalli Koteswara Rao, S/o Ramayya,
R/o Eadana, Krishna Dist.

..... PETITIONER

AND

1 Commissioner of Probihition & Excise
Government of A.P., Hyderabad.
2 Deputy Commissioner Of Prohibition & Excise, Kakinada.
3 Station House Officer, Agiripalli Police Staion, Agiripalli (M)
Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a writ in the nature of CERTIORARI by calling for all the records leading up to and including Cr.No. 2793/97/DPE/B2, dt:9.9.1997 confirming the orders of the 2nd respondent under proceedings Rc.No. B3-2942/96, dt:30.5.97 and by quashing all the proceedings direct release of TVS-50 Moped bearing No. AP16F-2522.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

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WRIT PETITION NO. 30149 OF 1997.

ORDER:-

Heard both the learned counsel. Petitioner herein who is the owner of the vehicle TVS Moped bearing No.A.P.-16F 2522, seeks to assail the orders passed by second respondent, which has been confirmed by first respondent in regard to the alleged involvement of the vehicle and commission of offence for transporting the prohibited liquor.

On the allegation that the said vehicle was used for carrying 45 full bottles of IML, petitioner's vehicle was confiscated. Having regard to the finding arrived at by the authority below, I do not find any ground to interfere with the same in this writ petition.

Accordingly, this writ petition is dismissed. It is represented by the learned counsel for the petitioner that the criminal case filed on some allegations against the petitioner is still pending. Having regard to the same, it is needless to observe that in the event of petitioner's acquittal in that case, it is open for him to approach the authorities and seek appropriate directions for release of the vehicle. No costs.

Stv/- 3—11—2004.

To

1 Commissioner of Probihition & Excise
Government of A.P., Hyderabad.

2 Deputy Commissioner Of Prohibition & Excise, Kakinada.
3 Station House Officer, Agiripalli Police Staion, Agiripalli (M)
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